

## Chapter 13 Temporary Alcoholic Beverage Permits

- 100 Temporary retailer's permits may be issued by the Department. These permits allow the purchase and resale of alcoholic beverages and native wines during legal hours and only on the premises described in the permit.
- 101 An alcoholic beverage permit may not be issued or transferred while there is pending in the Courts, or before the Department, any charge of violating the Local Option laws or rules and regulations, or the laws against gambling in the State, pursuant to Miss. Code Ann. Section 67-1-67.
- 102 All permit fees, filing fees, and additional privilege fees are to be paid by the temporary permittee, in advance, with certified funds.
- 103 (Reserved)
- 200 A Class 1, one-day temporary permit, authorizing the sale of alcoholic beverages by the drink, may be issued to a bona fide nonprofit civic or charitable organization. An entity may be considered a bona fide nonprofit civic or charitable organization by submitting documentation evidencing that it is both deemed tax exempt by the Internal Revenue Service pursuant to 26 U.S. Code Section 501 and registered with the Mississippi Secretary of State as a non-profit entity. If granted, the permit shall allow the sale and consumption only at the authorized location during the times permitted for other on-premises retailer locations in the city or county where the permit is issued pursuant to Title 35, Part II, Subpart 2, Chapter 4 of the Mississippi Administrative Code.
- 201 Application forms provided by the ABC for Class 1 Temporary Alcoholic Beverage Permits shall be completed by the applicant, under oath, and furnished to the Department, setting forth that the applicant complies with the requirements of Miss. Code Ann. Sections 67-1-11, 67-1-37, 67-1-51 (2), and (3), 67-1-55, 67-1-57, excluding paragraph (e), and 67-1-59. The Department may deny an application for failure to timely complete the application or, upon review of the application, may deny the application based on a reasonable belief that the applicant does not meet the required qualifications. If it is determined that an organization is not following ABC rules and regulations while operating under a temporary permit, this may provide a reason for ABC to believe that the organization will sell or knowingly permit its agents or employees to unlawfully sell alcohol in a manner contrary to law and, accordingly, provide a basis for denying future temporary permits to the organization. Any denial of a Temporary Alcoholic Beverage Permit, or an appeal from such denial, shall be conducted in accordance with Title 35, Part II, Subpart 1, Chapter 3 of the Mississippi Administrative Code and Miss. Code Ann. Section 67-1-39.
- 202 All alcoholic beverages purchased for resale by a temporary permittee shall be

- purchased from a package retailer in the county in which the permit is located. The applicant shall set forth on his application the package retailer(s) from which said purchase(s) will be made, including the quantity to be purchased. All applicable sales and use taxes must be paid by the Class 1 Temporary Alcoholic Beverage Permit holder. Any bottled alcoholic beverages remaining in the possession of the Class 1 Temporary Alcoholic Beverage Permit holder may, with approval of the package retailer, be returned to the package retailer from which they were purchased. In no event may damaged alcoholic beverages, or partials, be returned to a package retailer.
- 203 Any package retailer or Class 1 Temporary Alcoholic Beverage Permit holder violating the terms of this chapter may, at the discretion of the Department, have his permit suspended or revoked, or may be denied a future permit by the Department.
- 204 A Class 2 Temporary Alcoholic Beverage Permit may be issued only in conjunction with a transfer application submitted by a prospective permittee seeking an on-premises retailer or package retailer permit currently in effect at the particular location for which the transfer is sought.
- 205 (Reserved)
- 300 Application forms for Class 2 Temporary Alcoholic Beverage Permits provided shall be completed by the applicant, under oath, and furnished to the Department, setting forth that the applicant complies with Miss. Code Ann. Sections 67-1-11, 67-1-37, 67-1-51 (2) and (3), 67-1-57, and 67-1-59. The applicant shall have fourteen (14) days from the issuance of the temporary permit to submit all documents and other materials required by Title 35 Part II, Subpart 3, Chapter 11 of the Mississippi Administrative Code. Upon the failure of the applicant to submit these matters within required time, the temporary permit will lapse and liquor sales will be prohibited. The Department may deny an application for failure to timely complete the application or, upon review of the application, may deny the application based on a reasonable belief that the applicant does not meet the required qualifications. Any denial of a permit, or an appeal of such denial, shall be conducted in accordance with Title 35, Part II, Subpart 1, Chapter 3 of the Mississippi Administrative Code and Miss. Code Ann. Section 67-1-39.
- 301 Upon approval of a Class 2 Temporary Alcoholic Beverage Permit, the temporary permittee must purchase his alcoholic beverages directly from the Department and/or, with the Department's prior approval, purchase the remaining inventory of the previous permittee. Alcoholic beverage purchases from the Division are to be paid by the temporary permittee, in advance, with certified funds. Any Class 2 temporary permittee shall pay additional privilege fees as set forth in Miss. Code Ann. Section 27-71-5(m). Any accumulated balances of purchases and additional privilege fees of the original on-premises retailer permittee shall be transferred to the new permanent transferee.

- 302 A Class 2 Temporary Alcoholic Beverage Permit issued to temporary permittee shall run for a period of seventy (70) days unless applicant fails to meet the fourteen (14) day requirement for complying with Title 35, Part II, Subpart 3, Chapter 11 of the Mississippi Administrative Code. An application for a Class 2 Temporary Alcoholic Beverage Permit shall be filed at least seventy (70) days prior to the expiration of the original permit sought to be transferred. In the event less than seventy (70) days remains on the original permit, then a renewal application, signed by the original owner, must accompany the Class 2 Temporary Alcoholic Beverage Permit application.
- 303 Upon issuance of a Class 2 Temporary Alcoholic Beverage Permit, an Administrative Hold shall be placed on the original permit. The time remaining on the original permit shall continue to run, but no alcoholic beverages may be purchased from the Division on the original permit. Furthermore, alcoholic beverages can only be sold and consumed pursuant to the Class 2 Temporary Alcoholic Beverage Permit and not by authority of the original permit as long as the Administrative Hold is in force. An Administrative Hold may be removed following the Department's approval of a transfer or following proof that the original owner has retained the particular location and the Class 2 temporary permittee no longer desires the permit.
- 304 The hours for sale and consumption of alcoholic beverages for Class 2 Temporary Alcoholic Beverage permittees shall be the hours authorized for similar permittees located in the city or county where the permit to be transferred is located pursuant to Title 35, Part II, Subpart 2, Chapter 4 of the Mississippi Administrative Code, or as set by state law.
- 305 (Reserved)
- 400 A Class 3 temporary one-day permit may be issued to qualified retail establishments and authorizes the complimentary service of wine only, including native wine, to patrons attending an open house or promotional event, for consumption only on the premises described on the temporary permit. This permit shall only allow consumption during the times permitted for other on-premise retailer locations in the city or county where the permit is issued pursuant to Title 35, Part II, Subpart 2, Chapter 4 of the Mississippi Administrative Code. No retailer may receive more than twelve (12) Class 3 temporary permits in a calendar year. A Class 3 temporary permit shall not be issued to a retail establishment that holds either a merchant permit issued under Miss. Code Ann. Section 67-1-51(1), or holds a permit issued under Miss. Code Ann. Chapter 3, Title 67 authorizing the sale of beer or light wine.
- 401 Application forms provided by the ABC for a Class 3 temporary permits shall be completed by the applicant, under oath, and furnished to the Department, setting forth that the applicant complies with the requirements of Miss. Code Ann.

Sections 67-1-11, 67-1-37, 67-1-51 (2), and (3), 67-1-55, 67-1-57, excluding paragraph (e), and 67-1-59. The Department may deny an application for failure to timely complete the application or, upon review of the application, may deny the application based on a reasonable belief that the applicant does not meet the required qualifications. Any denial of a Temporary Alcoholic Beverage Permit, or an appeal from such denial, shall be conducted in accordance with Title 35, Part II, Subpart 1, Chapter 3 of the Mississippi Administrative Code and Miss. Code Ann. Section 67-1-39.

402 All alcoholic beverages purchased for resale by a Class 3 temporary permit holder shall be purchased from a package retailer in the county in which the permit is located. The applicant shall set forth on his application the package retailer(s) from which said purchase(s) will be made, including the quantity to be purchased. All applicable sales and use taxes must be paid by the Class 3 temporary permit holder. Any bottled alcoholic beverages remaining in the possession of the Class 3 temporary permit holder may, with approval of the package retailer, be returned to the package retailer from which they were purchased. In no event may damaged alcoholic beverages, or partials, be returned to a package retailer.

403 (Reserved)